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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

In Re:)
)
U.S. General Services Administration)
301 7th Street SW)
Washington, DC 20407-0001)
)
RESPONDENT)
)
Saint Elizabeth Hospital West Campus Site)
2700 Martin Luther King Avenue, SE)
Washington, DC 20032)
)
FACILITY)

Docket No. RCRA-03-2009-0146FF

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is filed pursuant to Sections 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The Complainant is the Director, Land and Chemicals Division, United States Environmental Protection Agency, Region III ("Complainant" or "EPA").
2. Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "CA/FO") both commence and conclude an administrative proceeding against the U.S. General Services Administration ("Respondent" or "GSA"), brought under Section 3008(a) and

(g) of RCRA, 42 U.S.C. § 6928(a) and (g), to resolve alleged violations of RCRA at Respondent's facility at 2700 Martin Luther King Avenue, SE, Washington, D.C. (the "Facility").

3. On March 2, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the District of Columbia was granted final authorization to administer a state hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§6921-6939e. Through this final authorization the provisions of the District of Columbia hazardous waste management program ("Original DC Authorized Program") became requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). A revised District of Columbia hazardous waste management program ("Revised District of Columbia Authorized Program") was authorized by EPA on September 10, 2001, and became effective as requirements of RCRA Subtitle C on November 9, 2001. *See 66 Fed. Reg.* 46961 (September 10, 2001), and, accordingly, the provisions of the Revised District of Columbia Authorized Program are enforceable by EPA on and after that date pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
4. The violations alleged in this Consent Agreement are based upon provisions of RCRA Subtitle C, 42 U.S.C. §§6921-6939e, and the Revised District of Columbia Authorized Program, cited in this Consent Agreement as 20 DCMR, Chapters 40 - 54.

5. Section 6001(b) of RCRA, 42 U.S.C. § 6961(b), authorizes EPA to take enforcement action against departments, agencies and instrumentalities of the Federal Government in the same manner and under the same circumstances as against any other person.
6. EPA has given the District of Columbia, through the District of Columbia Department of Environment (“DCDOE”), prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
7. This Consent Agreement is entered into by Complainant and Respondent to resolve EPA’s claims for civil penalties based upon the violations alleged in the Findings of Fact, as set forth below.
8. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this Consent Agreement.
9. Respondent neither admits nor denies the Findings of Fact contained in this Consent Agreement, except as provided in Paragraph 8, above.
10. Respondent neither admits nor denies the Conclusions of Law contained in this Consent Agreement, except as provided in Paragraph 8, above.
11. For the purposes of this proceeding only, Respondent hereby expressly waives any right to contest the allegations herein, any right to appeal the Final Order attached hereto, or any right to confer with the Administrator pursuant to RCRA § 6001(b)(2), 42 U.S.C. § 6961(b)(2).
12. The settlement agreed to by the parties in this Consent Agreement reflects the desire of the parties to resolve this matter without litigation.

13. Respondent consents to the issuance of this Consent Agreement and to the attached Final Order and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement thereof.
14. This Consent Agreement and the attached Final Order resolve whatever liability for civil penalties Respondent may have under RCRA Section 3008(a) and (g), 42 U.S.C. § 6928 (a) and (g), for the violations and facts alleged in the Findings of Fact and Conclusions of Law. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment, nor shall anything in this Consent Agreement and the attached Final Order be construed to limit the United States' authority to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
15. Complainant reserves any rights and remedies available to it to enforce the provisions of this Consent Agreement and Final Order under RCRA and regulations promulgated thereunder, and under any other federal laws or regulations for which Complainant has jurisdiction, following the entry of this Consent Agreement and Final Order.
16. Nothing in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations.

17. Respondent is aware that the submission of false or misleading information to the United States government may subject it to separate civil and/or criminal liability. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by any person on behalf of Respondent to Complainant regarding the matters at issue in the Findings of Fact and Conclusions of Law are false or, in any material respect, inaccurate.
18. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

19. This section represents the Findings of Fact and Conclusions of Law made by Complainant in this matter. As set forth in Paragraphs 9 and 10 above, Respondent neither admits nor denies these Findings of Fact and Conclusions of Law, but agrees to this settlement to avoid further litigation, as set forth in Paragraph 12, above.
20. Respondent is, and was at the time of the violations alleged herein, a department of the United States and is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), and as defined in 20 DCMR § 5400.1.
21. Respondent is, and was at the time of the violations alleged herein, the "owner" and "operator" of the Facility, as those terms are defined in 20 DCMR § 5400.1.
22. Respondent was, at the time of the violations alleged herein, engaged in "storage" of "hazardous waste" at the Facility, as those terms are defined in 20 DCMR § 5400.1. Specifically, from December 2004 until March 25, 2008, Respondent stored hazardous waste at the Facility, including EPA Waste Codes D001 and D002.

Count 1

23. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 20 DCMR § 4600.6, no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility, with exceptions not relevant to this matter.
24. Respondent has never been issued a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 20 DCMR Chapter 46, for the storage of hazardous waste at the Facility, and has never had interim status for the Facility pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or 20 DCMR § 4620.
25. From December 2004 until March 25, 2008, Respondent stored hazardous waste at the Facility, including EPA Waste Codes D001 and D002.
26. From December 2004 until March 25, 2008, Respondent did not qualify for the temporary accumulation exemption pursuant to 20 DCMR §§ 4202.6 and 4202.7.
27. From December 2004 until March 25, 2008, Respondent violated 20 DCMR § 4600.6 and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by storing hazardous waste at the Facility without a permit, interim status or valid exemption.

III. CERTIFICATION OF COMPLIANCE

28. As to all relevant provisions of RCRA and the Revised District of Columbia Authorized Program allegedly violated as set forth in the Findings of Fact and Conclusions of Law, above, Respondent certifies to EPA that, upon appropriate investigation, to the best of

Respondent's knowledge and belief, Respondent is currently in compliance with all such relevant provisions and regulations.

IV. CIVIL PENALTIES

29. Respondent agrees to pay a civil penalty in the amount of **One Hundred and Ten Thousand and Forty Dollars (\$110,040.00)**, in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO fully executed by all parties.
30. Having determined that this Consent Agreement is in accordance with law and that the civil penalty amount was determined after consideration of the statutory factors set forth in Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements, EPA hereby agrees and acknowledges that payment of the civil penalty shall be in full and final satisfaction of all civil claims for penalties which Complainant may have under Section 3008(a) and (g) of RCRA for the violations and facts alleged in this Consent Agreement and Final Order.
31. Payment of the civil penalty amount described in Paragraph 29, above, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
 - A. All payments by Respondents shall reference their names and addresses, and the Docket Number of this action, *i.e.*, RCRA-03-2009-0146FF;
 - B. All checks shall be made payable to "**United States Treasury**";

- C. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: Eric Volck 513-487-2105

- D. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

- E. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- F. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street

New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

- G. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

- H. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field. Open and complete the form.

- I. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment_cin.htm

- J. Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CAFO. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Brianna Tindall
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

V. ANTI-DEFICIENCY ACT

32. Nothing in this CA/FO shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.

VI. OTHER APPLICABLE LAWS

33. Nothing in this Consent Agreement and Final Order shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

VII. PARTIES BOUND

34. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA and the Respondent. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind the Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

In the Matter of:
United States General Services Administration

Consent Agreement
Docket No. RCRA-03-2009-0146FF

VIII. EFFECTIVE DATE

35. The effective date of this Consent Agreement and Final Order is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Judicial Officer or Regional Administrator.

For Respondent:

United States General Services Administration:

Date:

6/25/09

By:



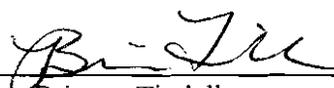
Bart Bush
Regional Commissioner
Public Buildings Service
National Capital Region

For Complainant United States Environmental Protection Agency, Region III:

Date:

6/29/09

By:



Brianna Tindall
Assistant Regional Counsel

In the Matter of:
United States General Services Administration

Consent Agreement
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After reviewing the foregoing Consent Agreement and other pertinent information, the Director, Land and Chemicals Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

6/30/09
Date

By: Abraham Ferdas
Abraham Ferdas, Director
Land and Chemicals Division

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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

In Re:)
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U.S. General Services Administration)
301 7th Street SW) Docket No. RCRA-03-2009-0146FF
Washington, DC 20407-0001)
)
RESPONDENT)
)
Saint Elizabeth Hospital West Campus Site)
2700 Martin Luther King Avenue, SE) **FINAL ORDER**
Washington, DC 20032)
)
FACILITY)

FINAL ORDER

Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, U.S. General Services Administration, have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW THEREFORE, pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a) and (g), and the terms of the foregoing Consent Agreement, and based on representations in the Consent Agreement that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in

In the Matter of:
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Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent, U.S. General Services Administration, is hereby ordered to pay a penalty of **One Hundred and Ten Thousand and Forty Dollars (\$110,040.00)**, and to comply with the terms and conditions of the Consent Agreement.

The effective date of this document is the date on which it is filed with the Regional Hearing Clerk after signature by the Regional Administrator or Regional Judicial Officer.

Date: 6/30/09



Renée Sarajian
Regional Judicial Officer
U.S. EPA, Region III

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United States General Services Administration

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CERTIFICATE OF SERVICE

I certify that on the date noted below, I sent by Overnight Delivery Service, a copy of the Consent Agreement and Final Order, **In the Matter of: U.S. General Services Administration, U.S. EPA Docket Number RCRA-03-2009-0146FF**, to the persons and addresses listed below. The original Consent Agreement and Final Order were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

**Jackson Reams
U.S. General Services Administration
301 7th Street SW
Suite 7048
Washington, DC 20407-0001**

Dated: 6/30/09


Brianna Tindall
Assistant Regional Counsel
Office of Regional Counsel
EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029